

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
) NOTICE OF MOTION TO
) VALUE PROPERTY PURSUANT
) TO 11 U.S.C. §506 AND AVOID
) WHOLLY UNSECURED LIEN IN
Debtor(s)) A CHAPTER 13 CASE

A motion, COPY ATTACHED, was filed by the debtor to value property and avoid a wholly unsecured lien in a Chapter 13 case (as provided by 11 U.S.C. §506(d)) held as collateral by the secured creditor whose name and address for mailing (see Fed. Bankruptcy Rule 7004) are:

The name, address, and telephone number of the debtor's attorney (or debtor, if no attorney) are:

The debtor's address and Taxpayer ID#(s) (last 4 digits) are:

If you wish to resist the motion you must, within 28 days of the service date shown below, file both a written response, and a certificate showing a copy of the response has been served on the person named above, with the Clerk of the Bankruptcy Court.

Contents of Response - A response must state the facts upon which the motion is resisted.

If you file a timely response, and the Court requires a hearing, all parties will be given notice of the hearing date, time, and location.

Failure to Respond - If no timely response is filed, the court may sign an ex parte order, submitted by the debtor, granting the motion.

Filing Address - If the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave #700, Portland OR 97204; or if it begins with "6" or "7", mail to 405 E 8th Ave #2600, Eugene OR 97401. ECF participants must file electronically.

Clerk, U.S. Bankruptcy Court

I certify that, pursuant to FRBP 7004, on _____, copies of both the above Notice and the Motion were served on the trustee and creditor at the address listed above.

Signature (OSB # if attorney)

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Debtor(s)) IN A CHAPTER 13 CASE

Debtor moves to avoid a lien on real property referenced below, and alleges as follows:

1. Name and address of lienholder whose lien is to be avoided:
2. Address and legal description (attach exhibit if necessary) of real property to which lien attaches:
3. Recording information regarding lien to be avoided:
 - (A) Recorded in _____ County, State of _____;
 - (B) Date recorded _____; and
 - (C) Reference No./Book No./Reel No./Other Identifying Reference _____
4. Date petition filed: _____
5. Value of property as of petition date: \$_____
6. Name(s) of senior lienholder(s):
7. Present balance owing to senior lienholder(s) on petition date excluding any precomputed interest or other unearned charges: \$_____
8. No equity in debtor's property exists to which the lien referenced above can attach.
9. In light of the foregoing, and pursuant to 11 U.S.C. §§506(d) and 1322, debtor is entitled to avoid the lien referenced above so that it no longer remains a lien against debtor's real property.

Debtor's or Debtor's Attorney's Signature OSB #

Address

Telephone Number

Exhibit "A"

Beginning at a road angle stake in the Boring and Damascus Road, where, the same leaves the line between the South half of the Northwest quarter and the South half of the Northeast quarter of Section 1, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon; running thence Southeasterly along the center of said County road to where the same crosses the South line of the South half of the Northwest quarter of said Section 1; thence East on said line to the North line of the Oregon Water Power right of way; thence Northeasterly along said line to a point directly South of the place of beginning; thence North to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to Clackamas County for right of way by deed recorded July 2, 1954, Book 483, Page 307.